

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1831

Introduced by Assembly Member Solorio

February 11, 2010

An act to amend Section 8482.3 of, and to add Section 8483.56 to, the Education Code, relating to after school programs, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1831, as amended, Solorio. After school programs.

The After School Education and Safety Program Act of 2002, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education to provide grants to schools participating in the program. The existing act authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.

~~This bill would require the department to make available 24%, or \$132,000,000 each year, whichever is greater, for after school programs for English learners that meet specified criteria, including that the program provide instruction and practice in academic lessons that increase knowledge and usage of the English language, establish programs and learning strategies that support English learners, and provide the staff with professional development designed to improve instruction to English learners. Because this bill would make money~~

~~that is continuously appropriated specifically available for these new purposes, the bill would make an appropriation.~~

~~The bill would require the Superintendent to adopt emergency regulations to implement this provision within 90 days of its effective date.~~

This bill would require a program plan to describe the manner in which the program will support English language development and acquisition for English learners if English learners comprise 25% or more of the pupils enrolled in a program. The plan would be required to include strategies that increase knowledge and usage of the English language and methods for training and professional development of staff that are designed to support English language development and acquisition for English learners.

This bill would set forth a legislative finding and declaration that the proposed amendments further the purposes of the existing act.

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares as follows:
- 2 (1) California public elementary and secondary schools enroll
- 3 1.5 million English learners who make up 24 percent of the total
- 4 enrollment in the state's public elementary and secondary schools.
- 5 (2) In some California school districts, English learners comprise
- 6 an even greater share of all pupils. In the Los Angeles Unified
- 7 School District, more than 220,000 pupils are English learners,
- 8 comprising 32 percent of all pupils. In the Santa Ana Unified
- 9 School District, more than 32,000 pupils are English learners,
- 10 comprising 56 percent of all pupils.
- 11 (3) In 2007, there were 404,847 public school pupils in
- 12 California served by state and federally funded after school
- 13 programs.
- 14 (4) Proposition 49 resulted in a significant increase in funding
- 15 for after school programs. Funding for after school programs
- 16 increased from fifty million dollars (\$50,000,000) in 1999 to five
- 17 hundred fifty million dollars (\$550,000,000) in 2007 as a result of
- 18 Proposition 49.

1 (5) English learners lag behind English speakers in academic
2 achievement in language arts, mathematics, standardized tests,
3 high school graduation rates, and college enrollment.

4 (6) Researchers attribute this achievement gap, in part, to not
5 enough instructional time to allow English learners to acquire the
6 language and to learn academic material.

7 (7) Research on English learner performance in after school
8 programs shows that these programs significantly increase language
9 acquisition rates for English learners and decrease the time it takes
10 these pupils to redesignate into mainstream English classrooms.

11 (8) California's competitiveness depends on an educated and
12 productively engaged populace.

13 (9) It is important that English learners have an equitable
14 opportunity to participate in after school programs funded by
15 Proposition 49 because providing them with quality after school
16 programs will increase their ability to learn English more promptly,
17 increase their success in school, enhance their career opportunities,
18 and improve California's competitiveness in the world.

19 (b) Therefore, it is the intent of the Legislature to amend the
20 After School Education and Safety Program Act to additionally
21 ensure that English learners are afforded equal access to after
22 school programs by reserving 24 percent of the overall funding
23 for after school programs that serve these pupils.

24 SEC. 2. Section 8482.3 of the Education Code is amended to
25 read:

26 8482.3. (a) The After School Education and Safety Program
27 shall be established to serve pupils in kindergarten and grades 1
28 to 9, inclusive, at participating public elementary, middle, junior
29 high, and charter schools.

30 (b) A program may operate a before school component of a
31 program, an after school component, or both the before and after
32 school components of a program, on one or multiple schoolsites.
33 If a program operates at multiple schoolsites, only one application
34 shall be required for its establishment.

35 (c) Each component of a program established pursuant to this
36 article shall consist of the following two elements:

37 (1) An educational and literacy element in which tutoring or
38 homework assistance is provided in one or more of the following
39 areas: language arts, mathematics, history and social science,
40 computer training, or science.

(2) An educational enrichment element, that may include, but need not be limited to, fine arts, career technical education, recreation, physical fitness, and prevention activities.

(3) Notwithstanding any other provision of this article, the majority of the time spent by a pupil who is in kindergarten or any of grades 1 to 9, inclusive, and who is participating in a career technical education element of a program established pursuant to this article shall be at a site that complies with Section 8484.6.

~~(d) In addition to the elements required pursuant to subdivision (e), a program established to serve English learners shall meet the following criteria:~~

~~(1) Provide instruction and practice in academic lessons that increase knowledge and usage of the English language. This shall include word recognition, spelling, reading, rules of sentence structure, writing, and speaking.~~

~~(2) Establish programs and learning strategies that support English learners including, but not limited to, translations of and assistance on homework assignments, instruction on word meanings, and other assistance that enables English learners to accelerate their knowledge of the English language.~~

~~(3) Provide the staff with access to academic assessment data on English learners attending the after school program.~~

~~(4) Provide the staff serving English learners with professional development that is designed to improve instruction to English learners.~~

(d) When an applicant submits an application to establish a program pursuant to this article and when a grantee reviews its after school program plan pursuant to subdivision (h), the applicant or grantee shall include in the program plan a description of the manner in which the program will support English language development and acquisition for English learners if English learners will or do comprise 25 percent or more of the pupils enrolled in a program. The plan shall include, but not be limited to, both of the following:

(1) Strategies that increase knowledge and usage of the English language through the four domains of language acquisition: listening, speaking, reading, and writing.

(2) Methods for training and professional development of staff that are designed to support English language development and acquisition for English learners.

1 (e) Applicants shall agree that snacks made available through
2 a program shall conform to the nutrition standards in Article 2.5
3 (commencing with Section 49430) of Chapter 9 of Part 27 of
4 Division 4 of Title 2.

5 (f) Applicants for programs established pursuant to this article
6 may include any of the following:

7 (1) A local educational agency, including, but not limited to, a
8 charter school, the California School for the Deaf (northern
9 California), the California School for the Deaf (southern
10 California), and the California School for the Blind.

11 (2) A city, county, or nonprofit organization in partnership with,
12 and with the approval of, a local educational agency or agencies.

13 (g) Applicants for grants pursuant to this article shall ensure
14 that each of the following requirements is fulfilled, if applicable:

15 (1) The application documents the commitments of each partner
16 to operate a program on that site or sites.

17 (2) The application has been approved by the school district, or
18 the charter school governing board, and the principal of each
19 participating school for each schoolsite or other site.

20 (3) Each partner in the application agrees to share responsibility
21 for the quality of the program.

22 (4) The application designates the public agency or local
23 educational agency partner to act as the fiscal agent. For purposes
24 of this section, “public agency” means only a county board of
25 supervisors or if the city is incorporated or has a charter, a city
26 council.

27 (5) Applicants agree to follow all fiscal reporting and auditing
28 standards required by the department.

29 (6) Applicants agree to incorporate into the program both of the
30 elements required pursuant to subdivision (c).

31 (7) Applicants agree to provide information to the department
32 for the purpose of program evaluation pursuant to Section 8483.55.

33 (8) Applicants shall certify that program evaluations will be
34 based upon Section 8484 and upon any requirements recommended
35 by the Advisory Committee on Before and After School Programs
36 and adopted by the state board, in compliance with subdivision
37 (g) of Section 8482.4.

38 (9) The application states the targeted number of pupils to be
39 served by the program.

(10) Applicants agree to provide the following information on participating pupils to the department:

(A) Schoolday attendance rates.

(B) Pupil test scores from the Standardized Testing and Reporting Program established under Section 60640, reflecting achievement in the areas addressed by required program elements, if assessments have been established in that area.

(C) Program attendance.

(h) (1) Grantees shall review their after school program plans every three years, including, but not limited to, all of the following:

(A) Program goals. A grantee may specify any new program goals that will apply to the following three years during the grant renewal process.

(B) Program content, including the elements identified in subdivision (c).

(C) Outcome measures selected from those identified in subdivision (a) of Section 8484 that the grantee will use for the next three years.

(D) Any other information requested by the department.

(E) If the program goals or outcome measures change as a result of this review, the grantee shall notify the department in a manner prescribed by the department.

(F) The grantee shall maintain documentation of the after school program plan for a minimum of five years.

(2) The department shall monitor this review as part of its onsite monitoring process.

~~SEC. 3. Section 8483.56 is added to the Education Code, to read:~~

~~8483.56. (a) From the funds appropriated pursuant to subdivision (b) of Section 8483.5, the department shall make available 24 percent, or one hundred thirty-two million dollars (\$132,000,000) each year, whichever is greater, for after school programs for English learners that meet the criteria established in this article.~~

~~(b) A program of after school programs for English learners is authorized to commence operations on January 1, 2011, but shall be fully operational no later than August 1, 2011.~~

~~(c) The Superintendent shall adopt regulations to implement the provisions of this article within 90 days of its effective date.~~

~~The regulations shall be adopted as emergency regulations in~~

1 ~~accordance with Chapter 3.5 (commencing with Section 11340)~~
2 ~~of Part 1 of Division 3 of Title 2 of the Government Code, and for~~
3 ~~purposes of that chapter, the adoption of the regulations shall be~~
4 ~~considered by the Office of Administrative Law to be necessary~~
5 ~~for the immediate preservation of the public peace, health and~~
6 ~~safety, and general welfare.~~

7 ~~SEC. 4.~~

8 *SEC. 3.* The Legislature finds and declares that this act furthers
9 the purposes of the After School Education and Safety Program
10 Act of 2002.